

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 28

Special Meeting

September 5, 2006

Town Board Minutes

September 5, 2006

Meeting No. 28

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 5th day of September 2006, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: STEVEN SOCHA, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

IN THE MATTER OF THE SEQR REVIEW OF

WINDING WAY SUBDIVISION

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Winding Way Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER AMATURA, WHO MOVED
ITS ADOPTION, SECONDED BY PLANNING BOARD
PLANNING BOARD MEMBER GOBER, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
WINDING WAY SUBDIVISION
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.29 acres.

The location of the premises being reviewed is situate on Winding Way, County of Erie, Town of Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
 - The depth to the water table is normally six (6) feet, however it can be two (2) feet seasonally.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.
 - It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate impact on threatened or endangered species.
 - Pesticide or herbicide may be applied for lawn care.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will not affect the character of the existing community.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

September 5, 2006

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
* COUNCIL MEMBER MONTOUR	RECUSED
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

September 5, 2006

* Council Member Montour has previously represented the developer and has therefore recused himself from deliberations and voting on this matter.

ADJOURNMENT:

ON MOTION OF PLANNING BOARD MEMBER SZYMANSKI AND
SECONDED BY COUNCIL MEMBER RUFFINO FOR ADJOURNMENT OF THE
MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 6:46 P.M.

Signed


Johanna M. Coleman, Town Clerk



Town Board Minutes

**Meeting
No. 29**



Regular Meeting

September 5, 2006

Town Board Minutes

September 5, 2006

Meeting No. 29

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 5th day of September 2006 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SIHERWOOD, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA, to deliberate in Executive Session for the announced purpose of discussing a contractual matter with the fire companies and a possible contractual matter involving the sale of the former Depew Library on Columbia Avenue which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 9:33 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Special Use Permit for J & J Trucking
- grant for Detectives in the Police Department for overtime expenditures
- former Depew Public Library property

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- physical conditions of property located at the northeast corner of Transit Road and William Street

Basty, Jeff, 15 Northbrook Court, spoke to the Town Board on the following matter:

- Town Code related to parking of vehicles in Residential Districts (R1).

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- bridge on Pavement Road
- bridge on Cemetery Road
- Nicholas Heights Subdivision sanitary sewers

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter(s):

- part time appointments
- number of building permits issued in Town & Village
- Transit Road construction
- lighting on Walden Avenue properties

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- former Depew Public Library property

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and
the Planning Board held August 21, 2006 and the Regular Meeting of the Town Board held
August 21, 2006 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Homes By Natale, 2250 Wehrle Drive, Williamsville, New York
has applied to the Town Board of the Town of Lancaster for permits for Public Improvements
upon real property in the Town of Lancaster within Nicholas Heights Subdivision, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified
on the following permit applications that he has reviewed the improvement plans and permit
applications for the installation of the public improvements requested, and that they conform to
the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application Nos. 617, 618, 619
and 620 of Homes By Natale, 2250 Wehrle Drive, Williamsville, New York, which are permits
for Public Improvements for the installation of:

P.I.P. No. 617 (Pavement & Curbs)	approximately 77,890 sf of pavement and 5355 lf of curb work off William Street adjacent to Rollingwood Drive
P.I.P. No. 618 (Detention Basin)	2 detention basins (wet) totaling approximately 69,400 sf. We will strip area and cut approximately 5,100 cy of soil off William Street adjacent to Rollingwood Drive. Landscape screening of basins to be provided
P.I.P. No. 619 (Storm Sewer)	approximately 4,400 lf of storm sewer including backyard drains, light duty receivers, road receivers, storm manholes, (4) sediment chambers and (2) outfall structures off William Street adjacent to Rollingwood Drive
P.I.P. No. 620 (Water Line)	approximately 2,815 lf of 8" waterline off William Street adjacent to Rollingwood Drive

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of **DAVID HAWK**, for a Special Use Permit for a Home Occupation (small machine shop) on premises located at 255 Peppermint Road, Lancaster, New York, and the Board issued such Special Use Permit on September 20, 2004, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, David Hawk has requested that the Town Board renew the Special Use Permit for an additional two (2) year period;

**NOW THEREFORE, BE IT
RESOLVED**, as follows:

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **DAVID HAWK**, for a Home Occupation (small machine shop) on premises located at 255 Peppermint Road, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. Only persons residing on the premises shall be engaged in such an occupation;
- b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure;
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation;
- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot;
- e. There shall be no outdoor sign advertising this business;
- f. This Special Use Permit terminates when the applicant no longer resides on the premises.

- g. This Special Use Permit will expire on September 20, 2008. The Town Board of the Town of Lancaster will consider re-issuance of this Special Use Permit upon application by the property owner submitted to the Town Clerk on or before August 20, 2008. There will be no additional Special Use Permit fee.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

File: rspecialusehawkdavid904

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20(B)(1)(j) of the Code of the Town of Lancaster, upon the application of **Jeff Schwartz, Vice President of J & J Trucking Repair**, for a Special Use Permit to provide the following services for tractor trailers: preventative maintenance and routine cleaning, light mechanical repairs for tractor trailers and trailer beds, no heavy engine work and no fuel distribution on premises located at 6495 Transit Road in the Town of Lancaster, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20(B)(1)(j), entitled "Commercial and Motor Service District (CMS)" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Jeff Schwartz, Vice President of J & J Trucking Repair**, to provide the following services for tractor trailers: preventative maintenance and routine cleaning, and light mechanical repairs for tractor trailers and trailer beds (no heavy engine work) on premises located at 6495 Transit Road in the Town of Lancaster with the following conditions:

- Dumpster must be located on the east side of the building and be screened/enclosed
- No spent hazardous materials to be stored on site.
- Oil and grease separators to be operable at all times.
- All signage shall be in compliance with Town Code.
- All trailers parking overnight to be within fenced area.
- This Permit shall terminate when applicant no longer operates on premises.

BE IT FURTHER

RESOLVED, that this Special Use Permit will expire on September 5, 2008. The Town Board of the Town of Lancaster will consider re-issuance of this Special Use Permit upon application by the property owner submitted to the Town Clerk on or before August 5, 2008. There will be no additional Special Use Permit fee. The Town Clerk is to notify the Building Inspector to inspect premises to insure compliance with conditions set forth herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

September 5, 2006

File: rspecialusejtrucking806a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Schuster Construction, LLC, P.O. Box 461, Lancaster, New York
has heretofore applied for approval of a minor subdivision (three lots) located on Winding Way
in the Town of Lancaster, New York, and

WHEREAS, the Planning Board and Town Engineer have given their approval to
the filing of this minor subdivision, and

WHEREAS, the Town Board of the Town of Lancaster has considered and
reviewed the beforementioned project:

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby approves
the minor subdivision (three lots) located on Winding Way in the Town of Lancaster as filed by
Schuster Construction, LLC.

2. That the Town Clerk of the Town of Lancaster be and is hereby directed to
properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy
thereof and to attend to the filing of said minor subdivision map in the Erie County Clerk's
Office.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	ABSTAINED
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

File: rminorsubdivision80o

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster has received a grant from the New York State Division of Criminal Justice Services to increase police enforcement efforts in the area of narcotics investigation, and

WHEREAS, the detectives in the Town Police Department were identified as those members of the Police Department which will be involved in such investigations and this grant will assist in paying overtime to all detectives in the Town Police Department;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor's Office to coordinate with the Police Department for the payment of overtime to all detectives from the grant funds received for the purpose of narcotics investigations carried out within the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

File: mycriminaljusticeservices806

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, by memorandum dated August 21, 2006, has requested the extension of Timothy Gwarek's employment with the Highway Department.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Timothy Gwarek, currently employed in the Town of Lancaster Highway Department as a laborer part-time, temporary, seasonal be appointed to laborer regular part-time at his current rate of \$8.75 per hour, to work two days per week.
2. That this appointment shall take effect on September 19, 2006 and terminate no later than November 17, 2006.
3. That this appointment being a part-time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part-time employees.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, a Public Hearing was held on the 21st day of August, 2006, on the petition of Anthony Insinna, WNY Real Estate Group, LLC, 20 Losson Road, Suite 215, Cheektowaga, New York 14227 as contract vendee of Hillview Baptist Church, the owner of a parcel of land located on 26 Rehm Road, Depew, New York for the rezone of certain property located at 26 Rehm Road in the Town of Lancaster, New York from a Residential District One (R-1) to a Neighborhood Business District (NB), and

WHEREAS, the Planning Board of the Town of Lancaster at its meeting held July 19, 2006 unanimously recommended approval of the rezone, and

WHEREAS, a SEQR review was completed on the proposed rezone and project on August 21, 2006 and a Negative Declaration issued, and

WHEREAS, a Notice of said Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a Residential District One (R-1) to a Neighborhood Business District (NB):

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 11, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

BEGINNING AT A POINT in the northerly line of Rehm Road at the southeast corner of lands conveyed to Edward Hartel by deed recorded in Erie County Clerk's Office in liber 1710 of Deeds page 217:

THENCE northerly along the easterly line of lands conveyed to Hartel by aforesaid deed and the easterly line of lands conveyed to Henry V. Hoffman and Vincent J. Hoffman by deed recorded in Erie County Clerk's Office in liber 3410 of Deeds page 107, Tom H. Nichols and H. Dolly his wife by deed recorded in Erie County Clerk's Office in liber 3848 of Deeds page 185, Tom H. Nicholas by deed recorded in Erie County Clerk's Office in liber 3970 of Deeds page 131, three hundred seventy (370) feet to the northeast corner of lands conveyed to Nichols by last mentioned deed:

THENCE continuing northerly along the last line of lands conveyed to Nichols by last mentioned deed as extended northerly and along the east line of lands conveyed to George R. Gradler and Julia D. his wife by deed recorded in Erie County Clerk's Office in liber 3938 of Deeds page 289, Donald S. Nesbitt and Dorothy G. his wife by deed recorded Erie County Clerk's Office in liber 3619 of Deeds page 474 about two hundred forty-seven and fifty-four hundredths (247.54) feet to the northeast corner of lands conveyed to Nesbitt by aforesaid deed, said northeast corner being a point in the south line of lands conveyed to Pardon H. Greene by deed recorded in Erie County Clerk's Office in liber 210 of Deeds page 133:

THENCE easterly along the south line of lands conveyed to Greene by aforesaid deed nine hundred eighty and thirty-nine hundredths (980.39) feet to a point in the east line of Lot No. 12:

THENCE southerly along the east line of Lot No. 12, six hundred seven and eighty-three hundredths (607.83) feet to a point in the northerly line of Rehm Road fifty and six hundredths (50.06) feet northerly from the north line of the Village of Depew, said north line being the center line of Rehm Road and one thousand three hundred twenty-six (1326) feet easterly from the intersection of the said north line of the Village of Depew with the center line of Transit Road as measured along the said north line of the Village of Depew:

THENCE westerly along the north line of Rehm Road to the southeast corner of lands conveyed to The Bible Fellowship Church of Lancaster by deed recorded in Erie County Clerk's Office in liber 6473 of Deeds page 289:

THENCE northerly along the east line of lands conveyed to said Church by aforesaid deed two hundred sixteen (216) feet to the northeast corner thereof:

THENCE westerly along the north line of lands conveyed to said Church by aforesaid deed and along the north line of lands conveyed to Charles H. Durrenberger and Ruth C. his wife by deed recorded in Erie County Clerk's Office in liber 6222 of Deeds page 270, Edward A. Durrenberger and Julia his wife by deed recorded in Erie County Clerk's Office in liber 6222 of Deeds page 278, Edward A. Durrenberger and Julia A. Durrenberger by deed recorded in Erie County Clerk's Office in liber 4395 of Deeds page 346, five hundred twenty-five (525) feet to the northwest corner of lands conveyed to Durrenberger by last mentioned deed:

THENCE southerly along the west line of lands conveyed to Durrenberger by last mentioned deed two hundred twenty-four and five tenths (224.5) feet to a point in the north line of Rehm Road one hundred seven and five tenths (107.5) feet easterly from the point of beginning:

THENCE westerly along the north line of Rehm Road one hundred seven and five tenths (107.5) feet to the point of beginning.

2. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 5th day of September, 2006;

3. That a certified copy thereof be published in the Lancaster Bee, on or before the 7th day of September, 2006;

4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

File: rphrezonedaycarecenterrehmroad806

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
26 REHM ROAD
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a Residential District One (R-1) to a Neighborhood Business District (NB):

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 11, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

BEGINNING AT A POINT in the northerly line of Rehm Road at the southeast corner of lands conveyed to Edward Hartel by deed recorded in Erie County Clerk's Office in liber 1710 of Deeds page 217:

THENCE northerly along the easterly line of lands conveyed to Hartel by aforesaid deed and the easterly line of lands conveyed to Henry V. Hoffman and Vincent J. Hoffman by deed recorded in Erie County Clerk's Office in liber 3410 of Deeds page 107, Tom H. Nichols and H. Dolly his wife by deed recorded in Erie County Clerk's Office in liber 3848 of Deeds page 185, Tom H. Nicholas by deed recorded in Erie County Clerk's Office in liber 3970 of Deeds page 131, three hundred seventy (370) feet to the northeast corner of lands conveyed to Nichols by last mentioned deed:

THENCE continuing northerly along the last line of lands conveyed to Nichols by last mentioned deed as extended northerly and along the east line of lands conveyed to George R. Gradler and Julia D. his wife by deed recorded in Erie County Clerk's Office in liber 3938 of Deeds page 289, Donald S. Nesbitt and Dorothy G. his wife by deed recorded Erie County Clerk's Office in liber 3619 of Deeds page 474 about two hundred forty-seven and fifty-four hundredths (247.54) feet to the northeast corner of lands conveyed to Nesbitt by aforesaid deed, said northeast corner being a point in the south line of lands conveyed to Pardon H. Greene by deed recorded in Erie County Clerk's Office in liber 210 of Deeds page 133:

THENCE easterly along the south line of lands conveyed to Greene by aforesaid deed nine hundred eighty and thirty-nine hundredths (980.39) feet to a point in the east line of Lot No. 12:

THENCE southerly along the east line of Lot No. 12, six hundred seven and eighty-three hundredths (607.83) feet to a point in the northerly line of Rehm Road fifty and six hundredths (50.06) feet northerly from the north line of the Village of Depew, said north line being the center line of Rehm Road and one thousand three hundred twenty-six (1326) feet easterly from the intersection of the said north line of the Village of Depew with the center line of Transit Road as measured along the said north line of the Village of Depew:

THENCE westerly along the north line of Rehm Road to the southeast corner of lands conveyed to The Bible Fellowship Church of Lancaster by deed recorded in Erie County Clerk's Office in liber 6473 of Deeds page 289:

THENCE northerly along the east line of lands conveyed to said Church by aforesaid deed two hundred sixteen (216) feet to the northeast corner thereof:

THENCE westerly along the north line of lands conveyed to said Church by aforesaid deed and along the north line of lands conveyed to Charles H. Durrenberger and Ruth C. his wife by deed recorded in Erie County Clerk's Office in liber 6222 of Deeds page 270, Edward A. Durrenberger and Julia his wife by deed recorded in Erie County Clerk's Office in liber 6222 of Deeds page 278, Edward A. Durrenberger and Julia A. Durrenberger by deed recorded in Erie County Clerk's Office in liber 4395 of Deeds page 346, five hundred twenty-five (525) feet to the northwest corner of lands conveyed to Durrenberger by last mentioned deed:

THENCE southerly along the west line of lands conveyed to Durrenberger by last mentioned deed two hundred twenty-four and five tenths (224.5) feet to a point in the north line of Rehm Road one hundred seven and five tenths (107.5) feet easterly from the point of beginning:

THENCE westerly along the north line of Rehm Road one hundred seven and five tenths (107.5) feet to the point of beginning.

September 5, 2006

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 5th day of September 2006 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 5th day of September, 2006.

(S E A L)

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO. TO WIT:

WHEREAS, the General Crew Chief, by letter dated August 30, 2006 has requested the appointment of a seasonal employee in the aquatic programs of the Parks, Recreation and Forestry Department of the Town of Lancaster for the fall/winter season of 2006-2007.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual be and is hereby appointed to the position of seasonal employee for the fall/winter season of 2006-2007 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Samantha Wlostowski (rehire) 104 Olmstead Avenue, Depew	Lifeguard	\$9.00 hr.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

File: Rpers seasonal (P12)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town of Lancaster has received a grant from the New York State Education Department State Archives Local Government Records Management Improvement Fund for the period of August 1, 2006 to July 31, 2007 to implement phase II of a files management program.

WHEREAS, the Chief of Police of the Town of Lancaster has requested the appointment of a part time temporary employee as support staff to accomplish the aforementioned task.

NOW, THEREFORE, BE IT

RESOLVED, that **Gina Bolender**, 114 Pleasant Avenue, Lancaster, New York be and is hereby appointed to a temporary part time clerk position in the Police Department, working not more than 19 ¼ hours per week, at an hourly rate of \$16. the total expenditure not to exceed \$9,232 with no health insurance, sick days, vacation or other fringe benefits which are not prescribed by law . This appointment is effective August 1, 2006 and will terminate on July 31, 2007.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

file: RPIERSRPER.S.TEM (P8)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

WHEREAS, Lovejoy Builders, 1164 Lovejoy Street, Buffalo, New York, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Michael's Landing Subdivision, Phase III, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No.621 of Lovejoy Builders, 1164 Lovejoy Street, Buffalo, New York, for the installation of:

P.I.P. No. 621
(Street Lights)

Michael's Landing Phase III installation of 6 street
lights on Ann Marie Drive & Joseph Drive

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

File: RPIP (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster intends to apply for Federal Community Development Funds, known as Community Development Block Grant funds for the year 2007-2008 and must identify eligible projects which would benefit low to moderate income persons in the Town, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to hold a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss proposal to meet those needs to assist the Town Board in developing the Town application for Community Development Block Grant funds;

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster. will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 18th day of September, 2006, at 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, the Official newspaper and be posted on the Town Bulletin Board , which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

File recomdevblockgrantfunds906

**NOTICE OF PUBLIC HEARING
NOTICE TO CITIZENS
OF THE
TOWN OF LANCASTER**

A Public Hearing will be held on the 18th day of September 2006, at 8:30 o'clock P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, regarding the use of Federal Community Development funds in the Town of Lancaster.

The Town of Lancaster is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Lancaster's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Lancaster Town Clerk's Office at (716) 683-9028 by September 11, 2006.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: **JOHANNA M. COLEMAN**
 Town Clerk

September 5, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 4035 to Claim No. 4272 Inclusive
Total amount hereby authorized to be paid: \$341,758.27

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

14067	Classic Roofing	44 Trentwood Trl N	Er. Fence	
14068	Gaston, Raymond	39 Christen Ct	Er. Deck	(V/L)
14069	Counze, Leni	42 Quail Run Ln	Er. Deck	
14070	Ryan Homes	17 St Anthony St	Er. Dwlg.-Sin.	
14071	American Fence	20 Oakwood Comm	Er. Fence	
14072	Duro-Shed Inc	37 Brunck Rd	Er. Shed	
14073	Duro-Shed Inc	101 Pheasant Run Ln	Er. Shed	
14074	K Squared Const.	84 Elm Pl	Er. Deck	(V/L)
14075	Szefel, Thomas	49 Greenmeadow Dr	Er. Fence	
14076	Iroquois Fence Inc	9 Deepwood Pl	Er. Fence	
14077	Burke Homes	112 Slate Bottom Dr	Er. Townhouse	
14078	Burke Homes	114 Slate Bottom Dr	Er. Townhouse	
14079	Burke Homes	116 Slate Bottom Dr	Er. Townhouse	
14080	Burke Homes	118 Slate Bottom Dr	Er. Townhouse	
14081	Burke Homes	120 Slate Bottom Dr	Er. Townhouse	
14082	Burke Homes	122 Slate Bottom Dr	Er. Townhouse	
14083	Licata, Frank	632 Pleasant View Dr	Er. Fence	
14084	Iroquois Fence Inc	4958 William St	Er. Fence	
14085	Guttuso, Daryle	2673 Wehrle Dr	Er. Res. Alt.	
14086	Forbes-Capretto Homes	20 Sawgrass Ln	Er. Dwlg.-Sin.	
14087	Cronenberger, Jason	559 Aurora St	Er. Fence	
14088	Heritage Fence	50 Lombardy St	Er. Fence	(V/L)
14089	Duro-Shed Inc	6416 Broadway	Er. Shed	
14090	Forestream Village Inc	4705 Transit Rd	Er. Sign-Temp	
14091	Precision Fence	9 Squirrel Run	Er. Fence	
14093	Fox Fences Inc	7 Pinetree Dr	Er. Fence	
14094	Expert Fence Co Inc	186 Brunck Rd	Er. Fence	
14095	Johnson, Raymond	19 Schiffler Ct	Er. Res. Alt.	
14096	Duro-Shed Inc	3494 Bowen Rd	Er. Shed	
14097	Ryan Homes	19 St Anthony St	Er. Dwlg.-Sin.	
14098	Marrano/Marc Equity	9 Sweet Brier Ct	Er. Dwlg.-Sin.	
14099	Advision Inc	6375 Transit Rd	Er. Sign-Wall	
14100	Advision Inc	6375 Transit Rd	Er. Sign-Wall	
14102	Lang, Raymond	27 Burwell Ave	Er. Greenhouse	(V/L)

14103	Fences By Precision	14 Robins Nest Ct	Er. Fence	
14104	Horrigan, Ronald	46 Stephens Ct	Er. Shed	(V/L)
14105	Rcardon, Patrick	62 Simme Rd	Er. Dwlg.-Sin.	
14106	Lancaster Presbyterian	5477 Broadway	Er. Comm. Alt.	(V/L)
14107	Marzec Construction	35 Hill Valley Dr	Er. Res. Add.	
14108	Iroquois Fence Inc	7 Heathrow Ct	Er. Fence	
14109	Haensly, Gary	569 Lake Ave	Er. Deck	
14110	Duro-Shed Inc	118 Albert Dr	Er. Shed	(V/L)
14111	Millazzo, Joe	1 Lenox Ave	Er. Res. Alt.	(V/L)
14112	Colley's Pool Sales	24 Fox Trace	Er. Pool-In Grnd	
14113	Colley's Pool Sales	24 Fox Trace	Er. Fence	
14114	Colley's Pool Sales	37 Park Blvd	Er. Pool-In Grnd	(V/L)
14115	Colley's Pool Sales	37 Park Blvd	Er. Fence	(V/L)
14116	Rome, Audrey	3598 Walden Ave	Dem. Garage	
14117 SW	Preferred Estates Inc	1389 Ransom Rd	Er. Dwlg.-Sin.	
14118	Forbes-Capretto	30 Sawgrass Ln	Er. Dwlg.-Sin.	
14119	J.L.B. Installations	1 Ann Marie Dr	Er. Fence	
14120	J.L.B. Installations	1 Ann Marie Dr	Er. Pool-In Grnd	
14121	Duro-Shed Inc	27 Country Pl	Er. Shed	
14122	Bergeron, Ronald	59 Remwood Ave	Er. Shed	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

File: Rbldg2

SUSPENDED RESOLUTIONS:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolutions:

Council Member Stempniak moved to suspend the necessary rules for immediate consideration of the following resolutions, seconded by Council Member Ruffino, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, according to New York State Election Law, effective January 1, 2006, the Erie County Board of Elections assumed the duties/responsibilities for conducting Primary and General Elections. and

WHEREAS, due to the overwhelming duties associated with the election process, Erie County Board of Elections has requested assistance from the Town of Lancaster with delivery and retrieval of voting machines, for Primary Election September 12, 2006 along with assistance with election inspector supply pick up & retrieval, and

WHEREAS, the Board of Elections has agreed to reimburse the Town for all expenses incurred with these duties.

WHEREAS, in the spirit of intermunicipal cooperation, the Town Clerk's Office along with other Town personnel has agreed to perform such duties in order to effectuate a smooth election process in the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is authorized to do whatever is necessary to assist the Erie County Board of Elections in the Primary Day, September 12, 2006 election process provided that the Erie County Board of Elections agrees to reimburse the Town of Lancaster for any and all expenses resulting from such assistance.

BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign the agreement with Erie County.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

SUSPENSION GRANTED:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR. TO WIT:

WHEREAS, the New York State Department of Transportation (DOT) is causing a reconstruction of Transit Road from Aero Drive north to New York State Route 5 (Main Street) and as a part of the reconstruction there is a necessity to adjust certain utility facilities including waterlines owned by the Town of Lancaster along Transit Road and Freeman Road, and

WHEREAS, the DOT has provided the Town with a Utility Work Agreement which identifies the existing waterline facilities presently located within the state right-of-way and the right-of-way of Freeman Road which must be moved as a part of the betterment of Transit Road and Freeman Road, and

WHEREAS, the State Highway Law requires that the owner of utilities including waterlines be subject to the cost of the adjustment expended by DOT when the state highway is reconstructed, and

WHEREAS, the Town Attorney has reviewed the Utility Work Agreement and finds it to be legally sufficient, and upon consideration the Town Board deems it in the public interest to enter into the agreement as required by law which will permit the Town to replace and increase the size of the waterline which will improve service to Town residents as a part of this highway reconstruction and movement of the Town waterlines;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute the Utility Work Agreement as proposed by the New York State Department of Transportation for the waterline betterment associated with the DOT reconstruction of Transit Road and Freeman Road.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 5, 2006

COMMUNICATIONS & REPORTS:

- 467.1 Village of Lancaster to Town Board -
Minutes of meeting held July 24, 2006. DISPOSITION = Received & Filed
- 468. NYS Thruway Authority to Town Board -
Notice of extension of DEIS comment submission period regarding proposed moving of
Williamsville Toll Barrier. DISPOSITION = Received & Filed
- 469. Lancaster Town Band Inc to Town Board -
Letter of appreciation of Parks & Recreation Department and Youth Bureau for successful
concert year. DISPOSITION = Received & Filed
- 470. NYS Office of Real Property to Supervisor -
Notice of additional state aid available for Coordinated Assessment Programs.
DISPOSITION = Received & Filed
- 471. TVGA Consultants to Town Board -
Offer of assistance in "Restore NY" grant applications. DISPOSITION = Received & Filed
- 472. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting to be held September 6, 2006, 9:30 AM at Buffalo City Hall.
DISPOSITION = Town Engineer
- 473. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy
Town Attorney, Highway Superintendent, Building Inspector -
Transmittal of draft copy of minutes of meeting held August 16, 2006.
DISPOSITION = Received & Filed
- 474. Planning Board to Town Board -
Notice of adjournment until September 6, 2006 regarding proposed Deer Run Estates
Subdivision. DISPOSITION = Received & Filed
- 475. Town Clerk to Various News Media -
Notice of rescheduled meeting of the Town Board. DISPOSITION = Received & Filed
- 476. Highway Superintendent to Town Board -
Request appointment of seasonal employee. DISPOSITION = Resolution 9/5/06
- 477. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -
Notice of no concern regarding proposed Aircraft T-Hanger, Buffalo-Lancaster Airport.
DISPOSITION = Planning Committee
- 478. Town Attorney to Town Board, Planning Board -
Notice of SEQR meeting to be held September 5, 2006, 6:30 PM regarding proposed
Winding Way Subdivision. DISPOSITION = Received & Filed
- 479. Town Clerk to Various News Media -
Notice of SEQR meeting to be held September 5, 2006, 6:30 PM regarding proposed
Winding Way Subdivision. DISPOSITION = Received & Filed
- 480. NYS DEC to Town Board -
Announcement of availability of funding and applications for Round 9 of the Water Quality
Improvement Project program. DISPOSITION = Received & Filed
- 481. General Crew Chief to Supervisor -
Request appoint of Samantha Wlostowski as Lifeguard, Part Time. DISPOSITION =
Resolution 9/5/06
- 482. Wm. Schutt & Associates, P.C. to Town Board -
Notice of conformance regarding revised drainage system for proposed Winding Way
Subdivision. DISPOSITION = Planning Committee

483. Dennis E. Ward, Erie County Board of Elections to Supervisor -
Request for assistance in preparation for primary and general elections.
DISPOSITION = Town Clerk
484. Office of Disaster Preparedness and Safety to Supervisor -
Request assistance from Town Dog Control Officer for Office of Emergency Management.
DISPOSITION = Received & Filed
485. Town Attorney to Town Board -
Letter regarding Notice of Appeal filed for Howell, et. al v. Supervisor and Council
Members. DISPOSITION = Received & Filed

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL
MEMBER MONTGOMERY AND CARRIED,** the meeting was adjourned at 9:33 P.M.

Signed _____
Johanna M. Coleman, Town Clerk